

1 **SENATE FLOOR VERSION**

2 April 4, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3069

6 By: Manger, Gann, Stearman and
7 Phillips of the House

8 and

9 Stanley of the Senate

10 **[firearms - unlawful carry of firearms in certain
11 places - federally owned buildings and properties -
12 carry of concealed firearms by municipal officials or
13 employees -
14 emergency]**

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is
17 amended to read as follows:

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

20 A. It shall be unlawful for any person, including a person in
21 possession of a valid handgun license issued pursuant to the
22 provisions of the Oklahoma Self-Defense Act, to carry any concealed
23 or unconcealed firearm into any of the following places:

24 1. Any structure, building, or office space which is owned or
leased by a city, town, county, or state ~~or federal~~ governmental
authority for the purpose of conducting business with the public;

1 2. Any courthouse, courtroom, prison, jail, detention facility
2 or any facility used to process, hold or house arrested persons,
3 prisoners or persons alleged delinquent or adjudicated delinquent,
4 except as provided in Section 21 of Title 57 of the Oklahoma
5 Statutes;

6 3. Any public or private elementary or public or private
7 secondary school, except as provided in subsections C and D of this
8 section;

9 4. Any publicly owned or operated sports arena or venue during
10 a professional sporting event, unless allowed by the event holder;

11 5. Any place where gambling is authorized by law, unless
12 allowed by the property owner;

13 6. Any other place specifically prohibited by law; and

14 7. Any property set aside by a county, city, town, public trust
15 with a county, city or town as a beneficiary, or state governmental
16 authority for an event that is secured with minimum-security
17 provisions. For purposes of this paragraph, a minimum-security
18 provision consists of a location that is secured utilizing the
19 following:

20 a. a metallic-style security fence that is at least eight
21 (8) feet in height that encompasses the property and
22 is secured in such a way as to deter unauthorized
23 entry,

24

- 1 b. controlled access points staffed by a uniformed,
2 commissioned peace officer, and
3 c. a metal detector whereby persons walk or otherwise
4 travel with their property through or by the metal
5 detector.

6 B. It shall be lawful for a person to carry a concealed or
7 unconcealed firearm on the following properties:

8 1. Any property set aside for the use or parking of any
9 vehicle, whether attended or unattended, by a city, town, county, or
10 state ~~or federal~~ governmental authority;

11 2. Any property set aside for the use or parking of any
12 vehicle, whether attended or unattended, which is open to the
13 public, or by any entity engaged in gambling authorized by law;

14 3. Any property adjacent to a structure, building or office
15 space in which concealed or unconcealed weapons are prohibited by
16 the provisions of this section;

17 4. Any property designated by a city, town, county or state
18 governmental authority as a park, recreational area, wildlife
19 refuge, wildlife management area or fairgrounds; provided, nothing
20 in this paragraph shall be construed to authorize any entry by a
21 person in possession of a concealed or unconcealed firearm into any
22 structure, building, office space or event which is specifically
23 prohibited by the provisions of subsection A of this section;

1 5. Any property set aside by a public or private elementary or
2 secondary school for the use or parking of any vehicle, whether
3 attended or unattended; provided, however, the firearm shall be
4 stored and hidden from view in a locked motor vehicle when the motor
5 vehicle is left unattended on school property; and

6 6. Any public property set aside temporarily by a county, city,
7 town, public trust with a county, city or town as a beneficiary, or
8 state governmental authority for the holder of an event permit that
9 is without minimum-security provisions, as such term is defined in
10 paragraph 7 of subsection A of this section; provided, the carry of
11 firearms within said permitted event area shall be limited to
12 concealed carry of a handgun unless otherwise authorized by the
13 holder of the event permit.

14 Nothing contained in any provision of this subsection or
15 subsection C of this section shall be construed to authorize or
16 allow any person in control of any place described in subsection A
17 of this section to establish any policy or rule that has the effect
18 of prohibiting any person in lawful possession of a handgun license
19 or otherwise in lawful possession of a firearm from carrying or
20 possessing the firearm on the property described in this subsection.

21 C. A concealed or unconcealed weapon may be carried onto
22 private school property or in any school bus or vehicle used by any
23 private school for transportation of students or teachers by a
24 person who is licensed pursuant to the Oklahoma Self-Defense Act⁷;

1 provided, a policy has been adopted by the governing entity of the
2 private school that authorizes the carrying and possession of a
3 weapon on private school property or in any school bus or vehicle
4 used by a private school. Except for acts of gross negligence or
5 willful or wanton misconduct, a governing entity of a private school
6 that adopts a policy which authorizes the possession of a weapon on
7 private school property, a school bus or vehicle used by the private
8 school shall not be subject to liability for any injuries arising
9 from the adoption of the policy. The provisions of this subsection
10 shall not apply to claims pursuant to the Administrative Workers'
11 Compensation Act.

12 D. Notwithstanding paragraph 3 of subsection A of this section,
13 a board of education of a school district may adopt a policy
14 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
15 authorize the carrying of a handgun onto school property by school
16 personnel specifically designated by the board of education; and
17 provided, such personnel either:

18 1. Possess a valid armed security guard license as provided for
19 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

20 2. Hold a valid reserve peace officer certification as provided
21 for in Section 3311 of Title 70 of the Oklahoma Statutes.

22 Nothing in this subsection shall be construed to restrict authority
23 granted elsewhere in law to carry firearms.

24

1 E. Notwithstanding the provisions of subsection A of this
2 section, on any property designated as a municipal zoo or park of
3 any size that is owned, leased, operated or managed by:

4 1. A public trust created pursuant to the provisions of Section
5 176 of Title 60 of the Oklahoma Statutes; or

6 2. A nonprofit entity,
7 an individual shall be allowed to carry a concealed handgun but not
8 openly carry a handgun on the property.

9 F. Any person violating the provisions of paragraph 2 or 3 of
10 subsection A of this section shall, upon conviction, be guilty of a
11 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
12 Dollars (\$250.00). A person violating any other provision of
13 subsection A of this section may be denied entrance onto the
14 property or removed from the property. If the person refuses to
15 leave the property and a peace officer is summoned, the person may
16 be issued a citation for an amount not to exceed Two Hundred Fifty
17 Dollars (\$250.00).

18 G. No person in possession of a valid handgun license issued
19 pursuant to the provisions of the Oklahoma Self-Defense Act or who
20 is carrying or in possession of a firearm as otherwise permitted by
21 law or who is carrying or in possession of a machete, blackjack,
22 loaded cane, hand chain or metal knuckles shall be authorized to
23 carry the firearm, machete, blackjack, loaded cane, hand chain or
24 metal knuckles into or upon any college, university or technology

1 center school property, except as provided in this subsection. For
2 purposes of this subsection, the following property shall not be
3 construed to be college, university or technology center school
4 property:

5 1. Any property set aside for the use or parking of any motor
6 vehicle, whether attended or unattended~~;~~; provided~~,~~, the firearm,
7 machete, blackjack, loaded cane, hand chain or metal knuckles are
8 carried or stored as required by law and the firearm, machete,
9 blackjack, loaded cane, hand chain or metal knuckles are not removed
10 from the motor vehicle without the prior consent of the college or
11 university president or technology center school administrator while
12 the vehicle is on any college, university or technology center
13 school property;

14 2. Any property authorized for possession or use of firearms,
15 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
16 college, university or technology center school policy; and

17 3. Any property authorized by the written consent of the
18 college or university president or technology center school
19 administrator~~;~~; provided~~,~~, the written consent is carried with the
20 firearm, machete, blackjack, loaded cane, hand chain or metal
21 knuckles and the valid handgun license while on college, university
22 or technology center school property.

23 The college, university or technology center school may notify
24 the Oklahoma State Bureau of Investigation within ten (10) days of a

1 violation of any provision of this subsection by a licensee. Upon
2 receipt of a written notification of violation, the Bureau shall
3 give a reasonable notice to the licensee and hold a hearing. At the
4 hearing, upon a determination that the licensee has violated any
5 provision of this subsection, the licensee may be subject to an
6 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
7 have the handgun license suspended for three (3) months.

8 Nothing contained in any provision of this subsection shall be
9 construed to authorize or allow any college, university or
10 technology center school to establish any policy or rule that has
11 the effect of prohibiting any person in lawful possession of a
12 handgun license or any person in lawful possession of a firearm,
13 machete, blackjack, loaded cane, hand chain or metal knuckles from
14 possession of a firearm, machete, blackjack, loaded cane, hand chain
15 or metal knuckles in places described in paragraphs 1, 2 and 3 of
16 this subsection. Nothing contained in any provision of this
17 subsection shall be construed to limit the authority of any college,
18 university or technology center school in this state from taking
19 administrative action against any student for any violation of any
20 provision of this subsection.

21 H. The provisions of this section shall not apply to the
22 following:

23 1. Any peace officer or any person authorized by law to carry a
24 firearm in the course of employment;

1 2. District judges, associate district judges and special
2 district judges, who are in possession of a valid handgun license
3 issued pursuant to the provisions of the Oklahoma Self-Defense Act
4 and whose names appear on a list maintained by the Administrative
5 Director of the Courts, when acting in the course and scope of
6 employment within the courthouses of this state;

7 3. Private investigators with a firearms authorization when
8 acting in the course and scope of employment;

9 4. Elected officials of a county, who are in possession of a
10 valid handgun license issued pursuant to the provisions of the
11 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
12 in the performance of his or her duties within the courthouses of
13 the county in which he or she was elected. The provisions of this
14 paragraph shall not allow the elected county official to carry the
15 handgun into a courtroom;

16 5. The sheriff of any county may authorize certain employees of
17 the county, who possess a valid handgun license issued pursuant to
18 the provisions of the Oklahoma Self-Defense Act, to carry a
19 concealed handgun when acting in the course and scope of employment
20 within the courthouse in the county in which the person is employed.
21 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
22 from requiring additional instruction or training before granting
23 authorization to carry a concealed handgun within the courthouse.
24 The provisions of this paragraph and of paragraph 6 of this

1 subsection shall not allow the county employee to carry the handgun
2 into a courtroom, sheriff's office, adult or juvenile jail or any
3 other prisoner detention area; and

4 6. The board of county commissioners of any county may
5 authorize certain employees of the county, who possess a valid
6 handgun license issued pursuant to the provisions of the Oklahoma
7 Self-Defense Act, to carry a concealed handgun when acting in the
8 course and scope of employment on county annex facilities or grounds
9 surrounding the county courthouse.

10 I. 1. Municipalities may authorize certain employees or public
11 officials of the municipality, municipal public trust, or municipal
12 authority who possess a valid handgun license issued pursuant to the
13 provisions of the Oklahoma Self-Defense Act and who have
14 successfully completed any additional training or requirements as
15 established by ordinance or resolution to carry a concealed handgun
16 when acting in the course and scope of employment.

17 2. For purposes of this subsection, firearms may not be present
18 in a location that is a firearm-prohibited location. As used in
19 this paragraph, "firearm-prohibited location" shall include the
20 following locations:

21 a. any room, location, or other place on municipally
22 owned, leased or maintained property designated as a
23 firearm-prohibited location by the municipal
24 government, and

1 b. any police department, courthouse, courtroom, prison,
2 jail, detention facility, or any facility used to
3 process, hold, or house arrested persons, prisoners,
4 or persons alleged delinquent or adjudicated
5 delinquent.

6 3. Nothing in this section shall be construed as a mechanism to
7 allow municipal employees to carry a firearm as a duty or function
8 of their employment with the municipality, municipal public trust,
9 or municipal authority.

10 J. For the purposes of this section, "motor vehicle" means any
11 automobile, truck, minivan, sports utility vehicle, or motorcycle,
12 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
13 equipped with a locked accessory container within or affixed to the
14 motorcycle.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 April 4, 2022 - DO PASS AS AMENDED
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